

1 BEFORE THE ARIZONA STATE BOARD OF
2 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

3 In the Matter of:)
4 JAMES A. GRIGGS, D.O.)
5 Holder of License No. 2604)
6 For the practice of osteopathic)
 medicine in the State of Arizona)
 _____)

7

8 STIPULATION

9 By mutual agreement and understanding, the Arizona
10 State Board of Osteopathic Examiners in Medicine and Surgery
11 ("Board") and James A. Griggs, D.O. (hereinafter "Respondent"),
12 the parties hereto agree to the following disposition of this
13 matter.

14 1. Respondent acknowledges that he has read this
15 Stipulation and the attached Stipulated Consent Order; and,
16 Respondent is aware of and understands the content of these
17 documents.

18 2. Respondent understands that by entering into this
19 Stipulation, he voluntarily relinquishes any rights to hearing
20 on the matters alleged as ground for Board action or to seek
21 judicial review of the consent order in state or federal court.

22 3. Respondent understands that this Stipulation and
23 Order will not become effective unless approved by this Board
24 and signed by its Executive Director.

25 4. Respondent further understands that this
26 Stipulation and Consent Order, once approved and signed, shall

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1 constitute a public record which may be disseminated as a formal
2 action of the Board.

3 5. Respondent admits to the facts and consents to all
4 the terms contained in the Stipulated Order.

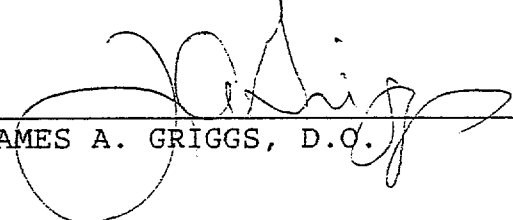
5 6. Respondent acknowledges and agrees that upon
6 signing and returning this document to the Board, he may not
7 later revoke or amend this Stipulation or the Consent Order,
8 without Board approval.

9 IT IS HEREBY STIPULATED AND AGREED that any violation
10 of said Board Order constitutes unprofessional conduct as
11 defined in A.R.S. § 32-1855.

12 REVIEWED AND ACCEPTED this 25th day of Jan., 1996.

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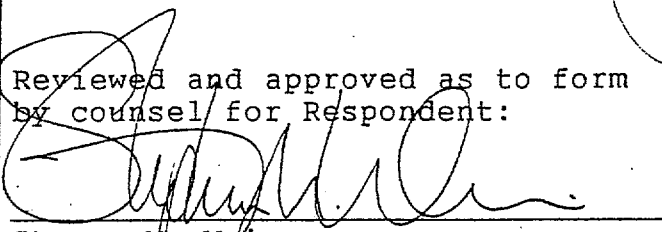

JAMES A. GRIGGS, D.O.

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16 Reviewed and approved as to form
17 by counsel for Respondent:

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Steven M. Weiss
Attorney At Law

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23 REVIEWED AND SIGNED this 7th day of February,
24 1996, for the Board by:

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ANN MARIE BERGER
Executive Director

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FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
CONSENT ORDER

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8 STATEMENT OF FACT

9 1. Information was brought to the attention of the
10 Arizona Board of Osteopathic Examiners in Medicine and Surgery
11 (hereinafter "Board") giving cause to believe that James A.
12 Griggs, D.O. (hereinafter "Respondent"), holder of license
13 number 2604 for the practice of osteopathic medicine and surgery
14 in the State of Arizona, may be medically and/or psychologically
15 unable to safely and skillfully engage in the practice of
16 medicine and may have committed one or more acts or
17 unprofessional conduct as defined in A.R.S. § 32-1854.

18 2. The Respondent received treatment for substance
19 abuse from September 6, 1995 to October 3, 1995 at WestCenter in
20 Tucson Arizona. The Board has received and considered the
21 patient "discharge summary" report reflecting diagnostic
22 findings and recommendations for treatment. The factual
23 findings and medical history of Respondent set forth in said
24 confidential medical report provides in part the evidentiary
25 grounds for taking formal Board action in the form of the
26 consent order set forth hereafter. Said report is to be treated

1 as confidential and not available for public disclosure except
2 pursuant to court order.

3 3. In public session, the Board voted on the 10th day
4 of January, 1996 to authorize the Board's Executive Director to
5 sign and issue a Stipulated Consent Order regarding Respondent,
6 which follows hereinafter.

7 CONCLUSIONS OF LAW

8 1. The Arizona State Board of Osteopathic Examiners
9 has jurisdiction over the person and subject matter presented by
10 this matter, pursuant to A.R.S. § 32-1800, et seq.

11 2. The Board has the authority to enter into a
12 stipulated order for final disposition of this case, pursuant to
13 A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

14 3. The Respondent engaged in unprofessional conduct
15 as defined at A.R.S. § 32-1854(22), i.e., using controlled
16 substances or prescription-only drugs unless they are provided
17 by a medical practitioner, as defined in section 32-1901.

18 CONSENT ORDER

19 Pursuant to the authority vested in the Board by A.R.S.
20 § 32-1855 and A.R.S. § 32-1861(D), IT IS HEREBY ORDERED THAT:

21 1. James A. Griggs, D.O. ("Respondent") is placed
22 upon probation for five (5) years and shall comply with the
23 terms and conditions of probation set forth herein:

24 2. From the date of this Order and for the duration
25 of the five year probation, Respondent shall obtain psychiatric
26 or psychological treatment by a therapist(s) who is either a

1 licensed psychiatrist and/or psychologist and is selected by
2 Respondent and approved by the Board. Respondent shall comply
3 with the therapist(s) recommendation for the frequency of
4 treatment sessions. Respondent shall inform the Board by letter
5 (mailed within ten days of the date of this Order) of the
6 therapist's name; and, Respondent shall undertake and fully
7 cooperate with a program of treatment established by the
8 therapist. In the event Respondent changes therapists, he shall
9 give the Board written notice within ten (10) days of said
10 action. Respondent shall not discontinue or reduce the
11 frequency of psychotherapy sessions until he has submitted a
12 written request to the Board and obtain Board approval.

13 3. Respondent's therapist(s) shall receive a copy of
14 this Order. The treating therapist shall be directed by
15 Respondent to send to the Board a written progress report every
16 month for the first six (6) months, then every three (3) months
17 for the remainder of the probation; and Respondent shall waive
18 confidentiality concerning his psychotherapy solely to enable
19 the Board to receive full disclosure of information. The
20 expense of the aforementioned therapy and the reports to the
21 Board by Respondent's therapist shall be the sole responsibility
22 of the Respondent.

23 4. Respondent shall provide a copy of this Order and
24 any subsequent Orders to all facilities where Respondent is
25 currently (or subsequently) employed as physician and/or has (or
26 subsequently receives) privileges to engage in the practice of

1 medicine; and, Respondent shall continue to make the
2 aforementioned disclosure and provide copies of this Consent
3 Order until the expiration of this Order.

4 5. Respondent may have his license to practice as an
5 osteopathic physician restricted, suspended or revoked by the
6 Board in the future if:

- 7 (A) The Board finds that Respondent does not
8 have the requisite mental, physical and
9 emotional fitness to safely continue the
10 practice of medicine; or,
11 (B) There are new grounds for finding
12 unprofessional conduct concerning
Respondent; or,
13 (C) Fails to comply fully with the terms and
14 conditions of this Order.

15 6. Respondent shall abstain completely from the
16 consumption of alcoholic beverages; and, Respondent shall not
17 consume illicit drugs or take any controlled substances (i.e,
18 prescription only drugs), unless such medication is prescribed
19 for him by his treating physician. Respondent shall maintain a
20 monthly log (for the duration of probation) and provide a copy
21 of the log to the Board at the first of each month of all
prescription only drugs taken by him and such log shall include
the following information:

- 22 (a) the name of the medication;
23 (b) name of prescribing physician;
24 (c) reason for the medication.

25 7. Respondent shall also as part of his probation:

- 26 (A) submit to and cooperate in any independent medical or

1 psychological evaluation that is ordered by the Board for
2 Respondent and conducted by the Board's designated physician
3 and/or psychologist and Respondent shall be responsible for
4 paying for the aforementioned evaluation; and (B) appear before
5 the Board, upon receipt of a request by written or telephonic
6 notification from the Board's executive director or executive
7 director's designee which shall be given at least five (5) days
8 prior to the Board meeting.

9 8. Respondent shall submit to random biological fluid
10 testing and promptly provide (i.e., within sixty (60) minutes of
11 notification) required biological fluids for testing and said
12 testing shall be done at the Respondent's expense.

13 9. Respondent shall participate in a minimum of two
14 (2) self-help meetings per week (for a minimum of one hour per
15 meeting) through such organizations as Alcoholics Anonymous,
16 Narcotics Anonymous and doctor's Caduceus group. Respondent
17 shall maintain a written record of the dates, time and location
18 of meetings attended; and, a copy of said written record shall
19 be provided to the Board's staff on the first day of each month.

20 10. In the event Respondent ceases to reside in the
21 State of Arizona, he shall give written notice to the Board of
22 his new residence address within twenty (20) days prior to
23 moving; and, the terms and duration of probation shall be stayed
24 until Respondent returns to Arizona.

25 11. Respondent may only prescribe controlled
26 substances pursuant to those terms and conditions imposed by the

1 U.S. Drug Enforcement Agency ("DEA"), such as, but not limited
2 to the "Pretrial Diversion Agreement" between Respondent and
3 DEA; and, in the event Respondent's DEA registration is
4 reinstated, either with or without conditions, Respondent must
5 remain in compliance with all terms and conditions imposed by
6 DEA and other applicable U.S. government regulations and
7 statutes. Respondent shall provide the Board (within five days
8 of receipt) with a copy of all D.E.A. orders and agreements
9 applicable to his prescribing privileges or D.E.A. registration.

10 12. Upon approval of prescription privileges,
11 Respondent must use triplicate copies of prescription pads and
12 supply the Board with copies by the first of each month for the
13 prior months prescriptions issued.

14 13. Comply with all terms and conditions imposed by
15 any Arizona hospital where Respondent has privileges or later
16 obtains privileges to practice; and, said hospital's chief
17 executive officer shall be provide by Respondent within five (5)
18 days after receipt with a copy of this Consent Order, in its
19 entirety.

20 14. The Board's Executive Director shall send
21 correspondence to appropriate state and/or federal law
22 enforcement agency disclosing this Consent Order and information
23 in the Board's possession which may establish criminal
24 misconduct by Respondent.

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26 / / /

1 ISSUED AND EFFECTIVE this 7th day of February, 1996.

2 ARIZONA BOARD OF OSTEOPATHIC
3 EXAMINERS IN MEDICINE AND SURGERY

4 
5 ANN MARIE BERGER
6 Executive Director

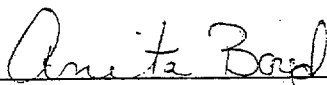
7 Served by sending U.S. Certified
8 Mail this 7th day of February,
1996, to:

9 James A. Griggs, D.O.
10 155 Calle Portal, Suite 300
Sierra Vista, AZ 85635

11 Mailed this 7th day of February,
12 1996, to:

13 Stephen M. Weiss
Attorney At Law
14 33 N. Stone Avenue, Suite 2120
Tucson, AZ 85701-1415
15 (Attorney for Respondent)

16 Michael Harrison
Assistant Attorney General
17 Civil Division (LES)
1275 W. Washington
18 Phoenix, AZ 85007

19
20 By: 
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